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Confessions of a prohibitionist

Hartford

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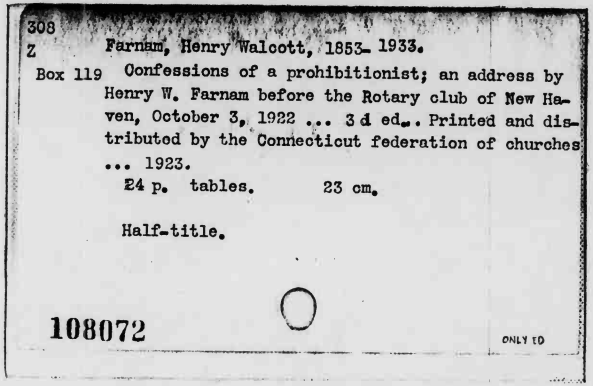

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Box 119

Confessions of a Prohibitionist

An address by

HENRY W. FARNAM

Before the Rotary Club of New Haven

CONNECTICUT FEDERATION OF CHURCHES

Committee on Law Enforcement

Harrison B. Freeman, Chairman
Hartford

John N. Lewis, Vice-Chairman
Waterbury

THIRD EDITION

April, 1923

Printed and distributed by the Connecticut Federation of Churches,
Rockwell Harmon Potter, President.

Morris E. Alling, Secretary
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INTRODUCTORY NOTE

The material for the remarks which I made to the New Haven Rotary Club, October 3, 1922, could not all be utilized in the short time at my disposal. Having now been asked to prepare the speech for the printer, I have thought it best to incorporate many of the data, mainly statistical, which were crowded out in delivery, but the arguments and arrangement are unchanged. I have not the gifts of a crusader, and this speech is not a campaign document. It is intended mainly for thinking people who would like to know the truth regarding a vital social question, but who find in many of our daily papers few facts favorable to prohibition, compared with the vast volume of misinformation against it. To facilitate the use of the address by students and at the same time to avoid overloading the speech itself for the casual reader, I have put some of the data in the form of an appendix, and I have also incorporated in the appendix some facts which were not available when the speech was drafted. It is needless to add that the Rotary Club is in no way responsible for the views expressed.

H.W.F.

New Haven
Oct. 23, 1922.

CONFESSIONS OF A PROHIBITIONIST
NEW HAVEN ROTARY CLUB
OCTOBER 3, 1922

Fellow Rotarians:

Please note that I am to give you the confessions, not the apology, of a prohibitionist. I use the word confession as meaning a frank avowal, and such an avowal is the only thing that one Rotarian ought to offer to fellow Rotarians. If, when I am through, some of you wish to put your own interpretation upon the title of my talk and construe it as meaning the avowal of a fault, I cannot prevent you. Each of you must be at liberty to have his own opinion. But while I cannot ask you to agree with all of my conclusions, I do ask you to believe that they have been reached honestly, deliberately and only after careful study of the facts. I must also ask you to believe that in making this talk personal I have no desire to magnify my own views or to intrude my own personality. I am giving my own experience with the liquor problem, because I think that I am in a peculiarly good position to illustrate the normal effect of increasing knowledge upon a normal average mind. By that I mean that I grew up without any strong emotional bias in either direction. I had no tragic family experiences with drunkards to impress upon me the demoniacal nature of rum, nor did I suffer from such ultra severe and Spartan upbringing as to make me rebellious of restraint. Moreover, I lived for six years as a boy and later for three years as a student, on the Continent of Europe, where either wine or beer was as much a part of the daily diet of all of my friends as tea or coffee are here. If anybody had told me in Berlin that he was a teetotaler, I sould have considered him a curiosity, like a Fiji Islander or an Albino. When I returned from Europe I usually had wine or beer on the table as a matter of course.

Moreover, as an undergraduate I received the impulse which first led me to devote my life to the study of Economics from that master teacher, William Graham Sumner, and the first ideals in economic and social policy which were held up to me were those of the *laissez faire*, or let alone, school, of which Sumner was, for many years, an eloquent exponent. Sumner believed in the maxim "Mind your own business," and he applied it to the liquor problem as well as to

others. He said: "Nature's remedies against vice are terrible. She removes the victims without pity. A drunkard in the gutter is just where he ought to be according to the fitness and tendency of things." Regarding Prohibition he said: "Some people have resolved to be teetotalers and they want a law passed to make everybody else a teetotaler."

In justice to Sumner and to avoid being misunderstood, I want to say that he was to me a real inspiration. He did splendid work in exposing the evils of the protective tariff and inflation, and it was only on the doctrine of *laissez faire* that I came to disagree radically with him. I am sure that he would have considered it a greater tribute to his memory to have me disagree with him as the result of studying the facts than to repeat parrot-like the doctrines which he taught. The main fallacy in his argument regarding liquor regulation was that he apparently assumed liquor laws to be made for the benefit of the drunkard. Sumner delivered an eloquent lecture upon the forgotten man. I wish that I could command his eloquence to speak of the forgotten woman and the forgotten child. If the drunkard in the gutter were merely a social atom we might hope to have the race of drunkards gradually eliminated under the law of the survival of the fittest, but every man, whether drunk or sober, is or has been a member of some human family. In the mass of cases he is the husband of a wife and the father of children who depend upon him for support. It is for the protection of these, not for the reformation of the drunkard, that liquor laws are made. He is also normally a worker in some factory or some other field. The drink habit impairs his efficiency and sets back national production. Moreover, at the present time he is very liable to be found, not in the gutter, but at the wheel of an automobile, in which case he endangers the lives of peaceable wayfarers and becomes a public menace. If nature ultimately eliminates him, she is cruelly deliberate about it and does not finish the job until he has done irremediable harm to his fellows. In other words, it is for protection of society that the liquor traffic is restrained. Many of the facts regarding the social effects of liquor were unknown to Sumner as to John Stuart Mill, upon whose *Essay on Liberty* a large part of Sumner's philosophy was based. I certainly did not know the facts as an undergraduate and I took little interest in liquor legislation of any kind. I held with Iago that "good wine is a good familiar creature, if it be well used" and I did not see why I, who only drank moderately, should be restricted in my liberty, because some fool did not know when he was full. Therefore on the whole I believed in the let alone doctrine. This, I should say, is a very comfortable doctrine because it gives its devotees such a smug, self-satisfied feeling. It is also a dangerous doctrine, because it seems to idealize selfishness. At that time I had not yet eaten of the tree of knowledge. I was like some of those careless drivers whom I have met on the highway, who go to sleep on the box, trusting that their

good horse will keep to the road, until they are suddenly awakened by a jolt, and they find that the old horse has run them into the gutter. I was aroused from my comfortable resting place by a series of violent jolts caused by colliding with some very stubborn facts.

JOLT NUMBER ONE

My first jolt came when as a member of the Committee of Fifty I began to learn something of the social aspects of the liquor problem. This committee carried on its work for about ten years, from 1893 to 1903. It was a rather remarkable group. It had among University presidents such men as President Eliot of Harvard, President Low of Columbia and President Gilman of Johns Hopkins. It had among its physiologists such men as Professor Welch of Johns Hopkins, Professor Chittenden of Yale, Professor Bowditch of Harvard and Dr. John S. Billings. It numbered among its economists and statisticians such men as President Francis A. Walker of the Institute of Technology and Carroll D. Wright of the Department of Labor in Washington. The committee was divided into a number of sub-committees, one on physiological aspects, one on legal aspects and one on economic aspects. I was the secretary of the latter committee, and our work consisted mainly in making a detailed study of the effect of liquor upon pauperism and crime. This was carried on through a case study of some 56,000 individuals, and it extended over a period of more than a year. I must say that it was a revelation to me, and I think to the others, to find in our study that pauperism was directly attributable to the liquor habit in the case of 25% of those who came under the observation of our charity organization societies, of 37% of the paupers in almshouses, and of 46% of the neglected children who became public charges. In the study of crime we pursued a careful course, realizing how difficult it is to assign a criminal action to a single cause. We therefore asked whether the liquor habit contributed towards a crime as a first, second or third cause, and we found that it appeared as a primary cause in 31% of the cases recorded and as one of the causes in 50%. When we began our investigations I think that we were all under the belief that the statements made by many of the agitators for prohibition were grossly exaggerated. Our statistics showed that some of these statements were exaggerated, but they also showed that the facts ascertained by the most careful and conservative methods were so bad that they needed no exaggeration. The facts themselves forced us to sit up and take notice.

I cannot take the time here to consider in detail the work of the other committees. Suffice it to say that the report of the physiological committee, published in two volumes, was a very thorough piece of work. It showed conclusively, not only the degenerative effect of alcohol upon tissues and vitality, but it also exposed the prevalent fallacies regarding some of the beneficial effects of alcohol. It con-

cluded that "alcoholic drinks of all kinds are worse than useless to prevent fatigue or the effects of cold." It did not advocate total abstinence, but it did say that, if taken habitually, liquor should be taken only at meals and as a rule at the last meal of the day. This was a very conservative conclusion. Medical science has gone much further since that day. The American Medical Association has formally put itself on record as saying that it "opposes the use of alcohol as a beverage," and that "the use of alcohol as a therapeutic agent should be discouraged." Even the Belgian Academy of Medicine in 1922 passed a resolution condemning the use of alcohol, and this means a great deal for a country which has long been noted for its well stocked wine cellars.

Our sub-committee on legislative aspects consisted of three exceptional men, Charles W. Eliot of Harvard, Seth Low of Columbia, and James C. Carter, at that time the leader of the New York bar. This committee had a careful examination made of the practical operation of many different plans for dealing with the liquor problem, such as high license, local option, the Gothenburg System, the State Dispensary System and Prohibition. Its ultimate conclusion was somewhat negative. Each system had some good points, but the ideal system did not seem to have been found. Prohibition at that time had undoubtedly led to a great many political evils which were thought to be as bad as the evils of liquor itself, and the Committee did not favor it. Our committee, it will be noticed, was a conservative committee. There were, so far as I know, no Prohibitionists upon it at the time and few teetotalers. I think that the majority of us felt that if drinking could only be practiced in moderation and decency, extreme measures would be unnecessary. One of our members, Bishop Henry C. Potter of New York, showed the courage of his convictions by opening a saloon which was to hold up the standard of moderate drinking. He and some of his friends rented a place to which they gave the name "Subway Tavern" and inaugurated it with prayer. I think that Bishop Potter rendered a valuable service in being willing to try the experiment of the "Subway Tavern." It was found after a relatively short experience that they could not make it pay, and they accordingly sold it to a man who evidently combined with a thorough knowledge of the liquor traffic a keen sense of humor, for he placed upon the walls of his saloon a number of mottoes and inscriptions of which the following are samples: "They sang the Doxology when they opened the place; we'll sing "Here's to good old wine;" "Rum and Religion won't mix any more than oil and water;" "You cannot boom drink and temperance too;" "Running a saloon by telling people of the deadly effects of rum is like telling a man to please buy poison because the undertaker needs the money." The causes given by the press for the failure of the Subway Tavern were that it did not allow a man to keep on when he became reckless, that it sold only good liquors, that it was closed on Sunday, and

that it obeyed the excise laws. An editorial in the *Springfield Republican* stated that this proved that "the saloon keepers' profit was drawn largely from illegal sales, adulterated sales, and drinking to excess."

When the report of the economic sub-committee was published, I was rather optimistic regarding the outlook. I pointed out that there were strong economic forces working for the restriction of drinking. I showed that modern industry demanded sober men; that railroads and transportation could not be carried on by drunkards; and that the trade unions were promoting moderation. The facts at that time seemed to justify optimism, because beer was apparently displacing distilled liquors. The consumption of the latter was going down, and, while the former was increasing, it was doing so at such a moderate rate that the total amount of alcohol consumed per capita was less. The average per capita consumption of distilled spirits from 1891 to 1895 was 1.37 gals.; in the five years from 1896 to 1900 it was 1.12. The consumption of malt liquors was 15.20 from 1891 to 1895. It was 15.53 from 1896 to 1900. You see that I was still jogging along pretty comfortably in spite of this first jolt, and holding a loose rein on the old horse *laissez faire*.

JOLT NUMBER TWO

My second jolt came with the World War when we were suddenly forced as a nation to take account of stock and see just what our resources were and how we were using them. We discovered that the liquor interests were making heavy demands upon the food supply of the country. More than 110,000,000 bushels of grain were used in 1917 in the production of liquor. Professor Alonzo Taylor estimated that after making every allowance for the by-products of brewing and distilling used as animal food, we wasted enough grain to give a one pound loaf of bread every day to every soldier in an army of 11,000,000 men.

We also found that our liquor bill was appalling. The conservative estimate of "The American Grocer," showed that in 1915-16 we spent $1,600,000,000 on alcoholic drinks. Other estimates went as high as $2,000,000,000. Taking the more moderate figures only, our liquor bill was just about equal to the value of all of the metals, including gold and silver, produced in the United States in one year. It was nearly double the value of coal, anthracite and bituminous. It was more than double our Government disbursements in 1915-16 and it was 2½ times the passenger receipts of the railroads.

The injurious effects of liquor on production was felt on account of the importance of speeding up the manufacture of munitions of war. As chairman of the Community Labor Board I came across a very practical illustration. A key man in one of our industries who

made one small part of one of the implements of war, was in the habit of going on an occasional spree. Whenever he went on a spree, work on all of the other parts of this product was held up because of the lack of the one part which he made.

I also realized to my dismay that the optimism which I had expressed in 1899 was not justified. It was no longer true that light drinks were displacing heavy drinks. When we began our investigation in 1893 the country was consuming yearly on an average 1.37 gals. of distilled spirits and 15.20 gals. of malt liquors per capita. In 1913, the year before the World War broke out, we were consuming 1.51 gals. of distilled spirits and 20.72 of malt liquors. In other words, while malt liquors had increased about 36%, distilled liquors had increased about 10%. It was not until after many of our States had adopted State prohibition that the total consumption began to fall. The benign economic forces which I had counted upon to check the consumption of liquor, were not as strong as the malignant forces represented by the aggressive manufacturers of liquor with their lavish advertising and their political power. Our record is the more deplorable if we compare ourselves with a country like Germany which has always been a heavy drinker. In Germany the average consumption of beer in the years 1895 to 1899 was 30 gals. per capita. This had fallen to 26.9 gals. in 1913, the year before the War and had actually gone as low as 26.1 in 1910. Distilled liquors on the other hand (figured as 100% alcohol) also had fallen from 1.63 gals. in 1898-99 to 1.42 in 1912-13.

Now that the war is over, or at least seems to be for us, we do not feel the importance of economy as much as we did in 1917, but the waste is none the less. The difference is that injury to production spells an economic loss and not a military disaster. The war jolt made a considerable impression upon me personally as I presume it did upon a good many others. My son was in the army and the use of alcoholic drinks was forbidden to soldiers. I should have felt cheap indeed if, while living comfortably in New Haven, I had continued an indulgence which was prohibited to my son and to thousands of others who were undergoing the rigors of military training to fight for me and defend the Country. I did not become an advocate of national prohibition, because I realized too keenly the corruption of public officials which had been associated with State prohibition. I began to see, however, that State prohibition in 1917 was a very different thing from State prohibition in 1897. The states had learned something by experience, and I was convinced that at least in many of the States the political evils of the earlier day were much diminished. I also felt averse to extending the power of the Federal Government and above all to putting into the Constitution a piece of social legislation. I believe that constitutions, both State and National, should confine themselves to the structure and fundamental principles of government, and not legislate regarding details. I was

still letting my old horse *laissez faire* lead me on, though I was beginning to suspect that he did not know where he was coming out.

JOLT NUMBER THREE

My third jolt came when the question of national prohibition became an issue and I felt that I must stand either on one side or the other. I had learned the importance of the liquor problem and I therefore could not with self-respect remain indifferent, even though I was not actually called upon to express my views through the ballot. I began to study the arguments of those opposed to prohibition. I did not find a single one who had any alternative to offer. They suggested nothing in the way of improving the State laws or the State administration. They declined quite generally to discuss the question on its merits and based their opposition almost entirely upon the philosophical doctrines of State rights and personal liberty. When I say that they refused to discuss the question on its merits, I mean that they did not consider either the practical evils of the liquor traffic or the practical benefits, social and economic, to be expected from its suppression. They took the ground that the proposed amendment was in violation of the State rights secured under our Constitution and contrary to the principles of individual liberty. This was, of course, not true of all of the opponents of the Amendment. It was distinctly not true of the present Chief Justice of the United States, who, with that wisdom and insight for which he is noted, showed that it was perfectly in accordance with our laws and traditions to invade personal liberty, if there existed a sufficient public reason for the invasion, but that the difficulty would lie in the enforcement of the law. This has proved to be the case, but those writers who wield the most influence locally laid most of the stress upon the violation of personal liberty, and the more I studied the question through personal discussion, the more I realized that they were starting at the top of a logical toboggan slide which would soon land them in anarchy. By that I mean that if a law is to be condemned because it violates personal liberty, then practically all of our police regulations, to use the word in its widest sense, ought to be condemned. If it is a violation of personal liberty to shut up all saloons, it is a violation of personal liberty, though in a lesser degree, to close them on Sunday or to close them after a certain hour of the day. If I am an immigrant from a country in which it is customary for the best people to spend Sunday afternoons in drinking beer, I am perfectly justified in thinking that my liberty is interfered with by the operation of Sunday laws. The same is true of many other things. If I am an immigrant from a country in which polygamy is legal, I may justly feel that it is an invasion of my personal liberty to force me to content myself with one wife. It is certainly an interference with my personal liberty to say that I shall not spit in the trolley car, if I am compelled by physiological necessity to do so.

Philosophical anarchy is a doctrine which some respectable people like Tolstoy have held. But I believe it to be contrary to the experience of mankind. Therefore when I realized that philosophical anarchy was at the bottom of the logical toboggan slide down which my friends were moving, and that in trying to undermine the Eighteenth Amendment they were undermining all law, I felt that I could not join them and that I must support the Amendment, in spite of difficulties of administration and incidental evils which might arise in connection with it. The catchword "liberty" has certainly many fallacies as well as many crimes to answer for, and when anyone invokes the Goddess of Liberty, I now ask "Whose liberty have you in mind?". In the case of liquor, the personal liberty advocates seem to think only of the liberty of the drinker and of the liquor dealer. They do not think of the liberty of the wife and children of the drinker. They do not think of the liberty of the tax payer to spend his money for his own uses instead of for the support of paupers and criminals. They do not think of the liberty of the automobilist to travel upon the highways without being run into by an inebriate. It is well known that nothing paralyzes the will and therefore interferes with real liberty, as much as alcohol, and to invoke the doctrine of liberty on behalf of the liquor traffic is as rational as to invoke the doctrine of liberty on behalf of the slave trade.

ABOLITION AND PROHIBITION

There is a close parallel between the prohibition movement of the present day and the abolition movement of the last century. The evils of slavery were flagrant and well recognized, and the wisest and best men of the slave holding States, like Washington and Jefferson, looked forward to the abolition of slavery by State action. But in the course of time, when cotton became king and succeeded tobacco as the great industry based upon slave labor, those who had grown rich on cotton became arrogant; instead of taking any steps toward the abolition of slavery they actually held it up as a system ideal in itself, and at one time prohibited the introduction in Congress of any resolution relating to slavery. I have made a detailed study of the black codes of the Southern states and during the sixty years preceding the Civil War the whole tendency of legislation was, not to prepare the way for freedom, but to confirm the institution of slavery. There were many people in the north who regretted the extravagancies of the fanatical abolitionists. There were many people who regretted the extension of the powers of the Federal Government at the expense of the States. Certainly every thinking man must recognize that a Civil War extending over four years and costing the lives of hundreds of thousands of people is a very unintelligent method by which to secure the enactment of a law to promote freedom. But in view of the attitude of the slaveholders and of their complete failure to take any steps towards abolishing slavery or mitigating its evils,

we can only say that nothing else than the action of the Federal Government would have abolished slavery in the United States. The result was that many people of conservative views who believed in maintaining State rights were forced by the logic of events to support Lincoln and abolition, when the alternative was disunion and the perpetuation of black slavery in the Southern States. There were people in the North who were so afraid of the increased power of the Federal Government and so convinced of the sanctity of State rights, that they did what they could to prevent the prosecution of the war by the North. They were known as "Copperheads."

The liquor problem furnishes a close parallel to the slavery problem. The evils of alcohol have been familiar to the world since the time of Noah. With the growth of huge capitalistic interests connected with the production and distribution of liquor there came an increased control of the liquor interests over the politics of the country. The dispensers of liquor like the slaveholders became arrogant and overbearing. They not only hindered the execution of such regulatory laws as we had, but the brewers in particular began to hold up beer as a temperance drink and posed as the real reformers. Individual States, having tried in vain less drastic measures, began to introduce State prohibition, but in time we discovered that the liquor problem was a national one. Lincoln said that the country could not remain half slave and half free. We have found that it could not remain half wet and half dry, because liquor dealers in the wet states were in a position to undermine the law in the dry states. As a matter of national defense it was found necessary to prohibit by Federal action drinking on the part of soldiers. This explains the movement for national prohibition. As during the Civil War we had "Copperheads," who were actually playing into the hands of the South while professing loyalty, so now we have prohibition Copperheads who are doing what they can to undermine the application of the law, even after it has become a part of the Constitution, and they are basing their opposition on State rights and personal liberty as did the Copperheads during the Civil War. I do not question the sincerity or good faith of many of these people, but I believe that they have been very much misled by doctrine which have no exact definition and the application of which should always be limited by a study of practical results. The presumption is in favor of unrestricted personal liberty, but that presumption falls to the ground when liberty is so abused as to impair the liberty of others and when the evils do not correct themselves.

FALLACIOUS ARGUMENTS

I have spoken of the logical toboggan slide represented by the personal liberty argument. There are two other arguments so common that they should not be passed over without exposing their fallacies. One is that you cannot make people temperate by law.

This is perfectly true and perfectly irrelevant. Liquor laws are not intended to make people temperate. Temperance is a quality of the mind which can only be cultivated by moral methods. But you can protect the innocent against the actions of the drinker himself by checking the traffic which fattens upon his weakness, and that is what the laws are for.

Another argument is that prohibition creates a contempt for law. I deny the statement. It does not create lawlessness, it merely reveals it. Let me illustrate my meaning by an example. I once had a friend who seemed to be the picture of health. He was ruddy, athletic, and apparently able to do anything. But one day as he was walking up a moderately steep hill, he suddenly felt distressed. He was obliged to go home, and his physicians diagnosed a disease of the heart from which he died in a few years. The hill did not create heart disease but it revealed it. It showed that even the moderate exertion involved was too much for a heart that was impaired. The Volstead Act has, I regret to say, revealed a lawless spirit in quarters where it was not suspected. This is, however, but one illustration of the humiliating fact that we are as a nation lawless in comparison with other civilized countries. If we now find people violating the Eighteenth Amendment, who have been hitherto law abiding citizens, we must conclude that they have never faced a temptation as strong as that which the amendment presents. That does not prove that the law is wrong in itself. We find our marriage laws disregarded by rich society people who lead double lives. This does not prove that monogamy is wrong, it simply proves that there are individuals who are ready for their own gratification to violate the marriage law. The crucial question then with regard to prohibition is, not whether all decent people approve of it, but whether it has produced the social effects that were intended. We ask in other words, whether it has diminished in any degree the evils of pauperism, crime, disease, and waste which were found to result from the consumption of liquor?

EFFECTS OF PROHIBITION

The criminal statistics of the United States are not available in any complete form, but such figures as have been obtained from various cities and States agree so remarkably in their tendency that we can state the effects of prohibition with a good deal of confidence.

A. The arrests for drunkenness have fallen amazingly. The figures are particularly striking where they are given by months. In New Haven, *e.g.*, there was a marked drop in June 1919, when war prohibition went into effect and another one in January 1920 when the Volstead Act went into effect, the arrests in the later month having been less than one-seventh what they had been a year before.

B. Deaths from alcoholism have shown a very marked decrease as instanced by the vital statistics both of cities and of the Metropolitan Life Insurance Company.

C. Misdemeanors, lawlessness, dependency, and neglect of children likewise underwent a pronounced fall with prohibition.

D. On the other hand, there is every evidence of increased saving and thrift with the cutting down of the liquor bill. This has shown itself statistically in the savings bank deposits and it is also reflected in the experience of charitable organizations, which found that the recent period of unemployment did not bring as great demands upon them as had been the case in other times of financial depression, and the only possible explanation was that the laboring class had saved their money.

SOME FAKE CLAIMS

The figures absolutely disprove the vague and sweeping assertions frequently made to the effect that there is more drinking now than there was before the Volstead Act went into effect. The fact seems to be that there are in some places more violations of the law now, in 1922, than there were in 1921. This is probably due partly to the business depression which has made bootlegging an attractive calling for those who are out of work; partly to the organization on a large scale of lawless people who are able to use the automobile and the airplane for the illicit transportation of liquor. The very latest figures are not yet available, but there has undoubtedly been a reaction in some places. In New Haven for example, the arrests for drunkenness were higher in the month of September, 1922, than they were when they reached their minimum in the month of February, 1920, but they were lower than they were in September, 1920, and very much lower than they were in January, 1919. The figures, as far as New Haven is concerned, show that there was a great falling off in the first months of 1920, going as low as 45 in February. Then they began to rise, reaching a maximum of 257 in September, 1920. Then they fell off, going down in 132 in January, 1922, but rising again since that time to 243 in September. In other words, there have been ups and downs, but we have not yet gone back to the pre-prohibition figures. In Hartford, on the other hand, there has been, according to the *Hartford Courant* a great increase in the arrests for drunkenness during the present year, the arrests rising from 116 in January to 520 in September. This is attributed by the *Courant* directly to the action of the mayor, who came into office on May 2, and announced in July that the liquor squad, which had apparently been very efficient, was to be replaced. If that is true, it is not surprising that in three months the arrests jumped from 195 in June to 520 in September. There are indications that there have been reactions elsewhere in arrests for drunkenness as there have been in deaths from alcoholism. The comparison of Hartford and New Haven shows, however, clearly how much the effect of the law depends upon its administration. When the law was first passed, it was obviously assumed that it was going to be executed. Hence, the very sudden

drop both in arrests for drunkenness and in cases of alcoholism. Then after a couple of years the bootleggers, who in the meantime had become better organized, found out the weak points in the administration, and became defiant. These weak points are two fold.

1. The failure of the Volstead Act to make any provision for the appointment of its agents for merit. The merest tyro in practical affairs knows that the more severe a repressive act is, the greater are the profits to be made by contraband trade. He also knows that all laws for the supression of vice are difficult to execute. If Congress had shown but a small part of the wisdom and good will which we have the right to demand of it, it would have provided at once that the agents to carry out the Volstead Act should be appointed strictly for merit on the basis of a careful examination into their character and ability. Instead of that, we have had the scandal of malfeasance among the very officers of the Government.

2. Another weak point lies in the very light fines imposed by many of our courts, fines so small in proportion to the profits of the liquor trade, that they amount to little more than a high license fee. If more jail sentences were imposed, there is no doubt that bootlegging would become less popular.

When, therefore, the wets claim that the law cannot be executed, since people will always drink, the answer is threefold:

1. The law has already been executed sufficiently to produce most beneficial results.

2. The shortcomings in the execution of the present law are due, not so much to the difficulties inherent in the law itself, though these are unquestionably considerable, as to the failure of Congress and of the administrative and judicial officers to apply it seriously.

3. These shortcomings are not confined to the liquor law but apply to all of our criminal law, including the punishment of such crimes as murder and robbery.

LIGHT WINES AND BEER

Would it help the enforcement of the law to allow the production and sale of so-called "light wines" and beer? In the first place, it should be clearly understood that this would be a violation of the Eighteenth Amendment and would undoubtedly stamp our country as a country of hypocrites. What is meant by "light wines" and beer? Light French claret averages from 8 per cent to 10 per cent of alcohol by weight, American wines between 9 per cent and 10 per cent. Whiskey averages from 37 to 40 per cent. It is clear then that about four units of a light French claret contain as much alcohol as one unit of whiskey. In other words, if we concede that a glass of whiskey is an intoxicating drink, then four glasses of light wine would also be intoxicating. Beer is weaker, but

the English ales average 5 per cent, American lager beer 3.8 per cent, and very light German beers like Pilsner 3.33 per cent. I have seen German students get gloriously drunk even on the light German beers. It would therefore be a farce to allow beer, and still more of a farce to allow "light" wines, when the Constitution prohibits "intoxicating" liquors. But there is a practical reasen equally cogent. It is clear that to permit wine and beer would be to legalize the saloon, and this would make it more difficult even than it is now to prevent the sale of distilled liquors. Light wines and beer are simply a piece of camouflage designed to deceive the simple minded. If anybody thinks there is any intention on the part of the brewers to promote temperance by substituting beer for strong drinks, I can answer this claim by the testimony of the brewers themselves. In the year 1917 when they saw the handwriting upon the wall and realized that they must make a desperate effort to maintain the liquor traffic if they would check the steady progress of prohibition, they set to work to influence public opinion. In a well displayed advertisement, filling half a page in one of our local papers, the United States Brewers Association made the following remarkable statement:

"The true relationship of beer is with light wines and soft drinks —*not with hard liquors.*

"For this false mental association the brewers are largely responsible. Keen competition in the early days of the brewing industry, before the perfection of modern bottling methods, led the brewers as individuals to encourage the establishment of saloons, which were at that time the only agencies through which their product could be lawfully sold. This unwise individual action on the part of many led to an undue multiplication of the saloon—a form of retail distribution which dealt not only in malt beverages but also in intoxicating liquors, and established a business affiliation that has since created the false mental association.

"Thus our product has been unjustly and improperly linked with those influences—over which we have had no control—that have actually promoted Intemperance."

If anyone thinks that the brewers in their zeal for true temperance will act differently in the future from what they have in the past, he must be ready to believe that the leopard can change his spots and the Ethiopian his skin.

In conclusion I ask what is the natural attitude of Rotarians, whose motto is "Service above self." This involves two questions, one practical, the other ethical. The practical question is, what is the best way to lessen the evils of the liquor traffic? The ethical question is, what is our duty as citizens? As regard the practical question, the facts which I have set before you show that the pur-

pose of the Eighteenth Amendment was to outlaw the liquor traffic as a potent cause of pauperism, crime, disease and waste. The law has already, in spite of faulty administration, produced the desired result in a high degree. The most serious charge brought against it by its critics is that it fails to prohibit completely the sale of liquor. In other words, their opposition is not to prohibition so much as to non-prohibition. If, therefore, we desire to diminish the evils complained of, it is clear that we can contribute our part by throwing what influence we have in favor of a better administration of the law. This is doubly true of the man who disbelieves in the principle of prohibition, since it is only by enforcing the law that he can prove the results to be bad. Those who say that the law can not be enforced are like the defeatists in France who said: Germany cannot be beaten, and therefore we will make the best terms we can. Clemenceau came into power and said: Germany must be beaten. The United States entered the war and said: Germany must be beaten; and she was.

My answer to the second question, what is the duty of the Rotarian, as a citizen, is simple. The Amendment is the law of the land, adopted by 46 States, and sustained by the Supreme Court. If we believe it to be a mistake, we have the right to work for its repeal or for a substitute. What has been done by the people can be undone by the people. But while it remains the law, no one who is loyal to the Constitution can do otherwise than obey it in spirit and in letter.

We are told that the law cannot be enforced as long as it does not appeal to the conscience of all of the people, and as long as many otherwise perfectly good citizens see no wrong in drinking. This puts the case in a very misleading way. The liquor problem is not a new problem, nor is it confined to the United States. Our nearest neighbor, Canada, has felt its importance, and has passed stringent provincial laws, some of them prohibitory. In Sweden, prohibition has been a burning question for a long time. Belgium, in spite of its fondness for old Burdundy, has passed a law prohibiting the retailing of distilled liquors.

Even Germany, in which beer and wine have been for centuries linked up with music, poetry and art, has discussed the question seriously and taken some rather remarkable straw votes on the subject. Our country has taken a heroic measure to rid itself of the evil. It may be mistaken, it may be unpractical, but it certainly is heroic, and the amendment has been adopted by a larger proportion of the States, than any other amendment to the Constitution or even the Constitution itself. On the other hand we are witnessing a determined and organized effort to undermine the law. The smugglers and bootleggers have their ships, their aeroplanes, and their guns. It

may have been a figure of speech when Lloyd George said that England had three enemies, Germany, Austria and drink. It is no figure of speech to say that the outlawed liquor interests are waging war upon the officers of the United States. This may not be technically treason, but it certainly is disloyalty, and those who give them aid and comfort by buying their wares are coquetting with disloyalty. The question is not whether to drink is in itself right or wrong. The question is whether a man has the right to defy the law of the land, merely because under other laws and other conditions the liquor traffic is legal. What disregard of law really means is well expressed by Judge Charles A. Woods, chairman of the Judical Section of the American Bar Association, in a report which he made at the meeting held in 1921. He said:

"When for the gratification of their appetites, or the promotion of their interests, lawyers, bankers, great merchants and manufacturers, and social leaders, both men and women, disobey and scoff at the law, or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery and homicide, they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest."

APPENDIX

The authorities for a few of the generalizations in the foregoing pages are given below, together with references to some important publications and investigations which have appeared since the first edition of the speech was issued.

I. LAWLESSNESS IN THE UNITED STATES, P. 12

Raymond B. Fosdick in *American Police Systems* shows by carefully compiled police statistics that "crime is far more prevalent in American cities than in the cities of England, France and Germany. In 1916 Chicago, with its 2,500,000 people had 20 more murders than the whole of England and Wales put together with their 38,000,000 people." (p. 10). In 1915, "New York City had approximately eight times as many burglaries as London and nearly twice the number of burglaries reported in all England and Wales." (p. 15).

The prevalence of crime has attracted the attention of the Committee on Law Enforcement of the American Bar Association. In its report, made at the San Francisco meeting, August, 1922, this committee stated that burglaries in the country at large had increased in ten years by 1200 percent, and that the average of homicides in recent years was about 9,000. If that figure is correct, then we had in 1921 one homicide for every 11,800 of the population. The report of the Commissioner of the London Metropolitan Police for 1921 stated that the British metropolis with a population of over 7,000,000 had in that year but 20 homicides of persons one year of age and upwards, and of these two were deaths following illegal operations. This gives London an average of one homicide to about 373,800 persons or less than one thirtieth of our homicide rate. *(London Times,* July 14, 1922, and *Springfield Republican,* August 11, 1922).

Dr. Frederick L. Hoffman, comparing the homicide rate of England and Wales with that of the United States, estimates that the former is about one-tenth of the latter. (Letter to *The New York Sun,* February 3rd, 1923, quoted in *"The Minute Man,"* February 22nd, 1923).

Employees of the Department of Justice in Washington have recently been charged with taking what does not belong to them by the Grand Jury of the District of Columbia which summarizes the results of an examination of some 28 citizens as follows: "This investigation developed the fact that a large number of trunks, suitcases, boxes, chests, etc., presumably containing alcoholic liquors, in definite quantities, ranging from a pint in some instance to several gallons in others, had been seized by agents of the department . . . . . and stored in rooms of the Department of Justice building and warehouse space rented for that purpose . . . it further appears that certain representatives of the Department of Justice disposed of the liquor in various ways, for instance, by appropriating it to their own personal use, by making gifts to relatives, friends, physicians and hospitals, and by destroying such of it as appeared to be unfit for consumption." (Washington correspondence of the *New York Times,* Oct. 3, 1922).

Since the speech to the Rotary Club was delivered, we have had some striking illustrations of the way in which critics of prohibition not only encourage the violation of federal law but also do violence to the laws of sound reasoning. Dr. Fabian Franklin has published a book entitled, *What Prohibition has Done to America.* The author has been a professor of mathematics, as well as an editor. He should therefore be familiar with the exact use of language. Yet, though his book purports to say what prohibition has done, he mentions only bad results, ignores completely such well known effects as the diminution of deaths from alcoholism and seems to be unaware that there is any social purpose back of the Eighteenth Amendment.

President Nicholas Murray Butler of Columbia University delivered an address on "Law and Lawlessness," January 26, 1923. Among the causes of lawlessness, he cites the Eighteenth Amendment, stating that "men and women of intelligence and moral sensitiveness" regard the provisions of the Amendment "as a forcible, an immoral and a tyrannical invasion of their private life and personal conduct." He quotes in support of this statement, the following passage from Dean Inge:— "Suppose that the state has exceeded its rights by prohibiting some harmless act, such as the consumption of alcohol. Is smuggling, in such a case, morally justifiable? I should say Yes: the interference of the state in such matters is a mere impertinence." It is difficult to find in recent literature a better example of the suppression of the true and the suggestion of the false. Dean Inge, like many English people, may think that the consumption of alcohol is harmless, but President Butler whose predecessor, Seth Low, was the chairman of the Committee of Fifty on the Liquor Problem, cannot be ignorant of the immense social damage done by alcoholic drinks in increasing pauperism and crime, or of the large number of deaths due to alcoholism, or of the experience of life insurance companies with alcoholic risks. Dean Inge may think that the Eighteenth Amendment prohibits the consumption of alcohol. Many other Englishmen display a similar ignorance of American affairs. But President Butler has access to the Constitution and the statutes, and he will search in vain for any article in the Amendment or the Volstead Act prohibiting consumption. Yet by quoting Dean Inge without qualification, he makes these statements his own. The practical effect of this lawless utterance showed itself in an amazingly short time. A fortnight after it had been delivered, four members of the LaMontagne family were tried for bootlegging in New York, and, according to the press reports, the attorney for the defense quoted Dr. Butler's speech in justification of the offense for which the brothers were shortly afterwards sentenced to jail. Thus the

author of a speech ostensibly made against lawlessness, was formally recognized in court as the apologist for lawlessness. Such utterances as his have undoubtedly exercised no small influence in encouraging violations of the Eighteenth Amendment throughout the country.

II. The Administration of the Liquor Law, p. 14

The Volstead Act provides that a person convicted of manufacturing or selling liquor may "for a first offense be fined not more than $1,000 or imprisoned not exceeding 6 months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000, and be imprisoned not less than one month nor more than five years." (Sec. 29). Many courts have contented themselves with relatively light fines. In a recent session of one of the United States District Courts, 29 persons were punished for violation of the liquor law; there were no jail penalties imposed, and the fines ran from one dollar up to $350, there being only two of the latter, and only two others as high as $200. That moderate fines have little deterring power upon the bootlegers is indicated by the action of the Common Pleas Court of New Haven, which in its session of October 12th, 1922, reversed its previous practice of fining violators of the law and imposed two jail sentences. The newspaper report of the event says "the judges remarked that the past condition of affairs must change, that hereafter all offenders will be severely dealt with as a warning to others. The judges observed that fines have not acted as a deterrent upon others, hence hereafter the full jail sentences provided by statute will be imposed."

(New Haven *Journal-Courier*, Oct. 13, 1922).

The lack of uniformity in the administration of the law is illustrated by the following figures compiled by Mr. Ralph H. White, and giving the results of trials in several Connecticut cities, lying not far from each other and containing populations of a similar type.

SENTENCES FOR VIOLATION OF LIQUOR LAW—1922

	Total Cases	Average Days	Average Fine	Conviction	Jail Sentences
New Haven	387	40	$149	63%	2%
Bridgeport	138 (10 Mos.)	26	154	84%	40%
Hartford	483	15	163	78%	28%
Waterbury	142	30	44	92%	3%
New Britain	170	23	169	68%	4%
Stamford	40	30	260	40%	5%

The results of the varying severity of penalties is seen in a comparison of the arrests for various offenses in the three largest cities, Bridgeport, Hartford and New Haven:

	Bridgeport (10 Mos.)		Hartford		New Haven	
	1917	1922	1917	1922	1917	1922
Total arrests	7,389	2,946	12,099	7,395	11,018	8,316
Drunkenness	1,997	411	6,201	2,444	5,105	3,000
Assault	942	174		169		
Breach of Peace	1,529	171		762	1,583	1,039
Theft	554	83		269	628	294
Violation Liquor Law	36	138		608	124	387
Violation Auto and Traffic Law	485	1,322			417	1,866

It will be noticed that while all three show a falling off in arrests for drunkenness between the years 1917 and 1922, the city which imposes jail sentences in 2% of the cases shows a fall of 41%; the city which imposes jail penalties in 28% of the cases shows a fall of 60%, and the city which imposes jail penalties in 40% of the cases, shows a fall of 79%.

III. Social Effects of Prohibition, p. 12-13

A. Has prohibition decreased drunkenness? The only statistical test that we have is found in the arrests for drunkenness, and here the figures are most conclusive, as shown in the case of a number of our larger cities.

Arrests for Drunkenness

City	Year	Number	Decrease	City	Year	Number	Decrease
Boston	1919	52,682	36,195	Los	1916	17,510	10,671
	1920	16,487		Angeles	1921	6,839	
Cincinnati	1918	1,470	1,135	Portland,	1915	6,655	3,751
	1920	335		Ore.	1921	2,904	
Louis-	1918-19	3,624	3,212	Detroit,	1916	17,409	10,189
ville	1919-20	412		Mich.	1921	7,220	
New York	1915	22,635	14,466	Des	1914	4,428	2,479
	1921	8,169		Moines, Ia.	1921	1,949	
San	1919	17,354	11,537				
Francisco	1921	5,817					
Five							
Principal	1917	17,491			1920	6,545	
Cities in	1918	12,901			1921	5,970	
Conn.	1919	7,408					
Mass.	1912	98,651			1917	129,455	
	1913	104,936			1918	92,838	
	1914	108,185			1919	79,212	
	1915	106,146			1920	37,160	
	1916	116,655			1921	59,585	
Aver. 7 License yrs.	1912-18	108,123		Aver. 2 prohibition years	1920-21	48,372	55%

New Haven	1912	3,000		1917	5,106
	1913	3,798		1918	4,267
	1914	3,879		1919	2,544
	1915	4,221		1920	2,221
	1916	5,623		1921	2,143
			1922	3,000	

(Figures for Boston, Cincinnati and Louisville taken from an article by Deets Pickett, "How Prohibition Works in American Cities," prepared and distributed by the Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal Church. Figures for New York, San Francisco, Los Angeles, Portland, Ore., Detroit, Mich., Des Moines, Iowa, taken from "Hold Fast, America," by Gifford Gordon, in *The Christian Work*, Oct. 14, 1922. Figures for Five Principal Cities in Connecticut were taken from *The Connecticut Citizen*, March, 1922, p. 4; "Massachusetts under Prohibition," an article in the *Literary Digest* for Oct. 28, 1922, furnished the figures for Massachusetts, while the figures for New Haven were taken from the Police reports of that city.)

B. How has prohibition affected deaths from alcoholism? Comparison of Total Deaths from Alcoholism in 14 great American Cities.

Statistics compiled from United States Mortality Reports and from Official Reports from City Health Boards.

	Alcoholism, Chronic and Acute			
City	1916	1917	1920	1916-1917 Average
New York	687	560	98	623.5
Chicago	245	187	46	216
Philadelphia	187	217	11	202
Boston	161	166	31	163.5
Detroit	120	137	27	128.5
Pittsburgh	85	103	17	94
Cleveland	80	77	11	78.5
St. Louis	36	73	8	54.5
San Francisco	55	39	4	47
Cincinnati	43	37	4	40
Baltimore	28	37	4	32.5
Washington, D. C.	28	21	3	24.5
Milwaukee	25	10	5	17.5
New Orleans	19	16	7	17.5
Total	1,799	1,680	276	1,739.5

The average number of deaths from alcoholism in 1916-17 was over 6 times the number in 1920. The years 1916-1917 were compared with 1920 because the influenza epidemic made mortality statistics in 1918 abnormal; 1919 was neither license nor prohibition for the entire year.

(Reprint from *Scientific Temperance Journal*, Feb. 1921, 2nd ed.)

Deaths from Alcoholism in New York City

1910	621	1919	176
1916	687	1920	98
1917	560	1921	119
1918	252	1922	272

(From an article in *N. Y. Times*, Jan. 15, 1922. Figures for 1921 and 1922 taken from *The Minute Man*, Jan. 22, 1923.)

Death Rate from Alcoholism per 100,000 among premium-paying Industrial Policyholders of the Metropolitan Life Insurance Company

1912	5.3	1917	4.9
1913	5.2	1918	1.8
1914	4.7	1919	1.4
1915	4.1	1920	.6
1916	5.1	1921	.9
	1922 2.1		

C. How has prohibition affected lawlessness and misdemeanors?

City	Offense	Year	Number	Year	Number
Boston	Assaults	1919	2,127	1920	1,673
Cincinnati	Disorderly conduct	1918	3,320	1920	1,727
Louisville	Disorderly conduct	June 1918 to June 1919	5,177	June 1919 to June 1920	2,855
San Francisco	Assaults	1917-1918	419	1919-1920	255

(Figures taken from Deets Pickett, "How Prohibition Works in American Cities," Prepared for Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church).

State	Offense	Year	Number	Year	Number
New York	Committments in all penal and correctional institutions	1917	129,352	1921	73,947

(From an article by Winthrop D. Lane, "Crime in the United States," in *London Times*, July 4, 1922).

Arrests for Breach of Peace in New Haven

1912	885	1917	1,591
1913	1,057	1918	1,318
1914	1,254	1919	929
1915	1,572	1920	965
1916	1,710	1921	941
	1922 1,039		

(Compiled from Annual Reports of the New Haven Department of Police, 1912-1922.)

Prison Statistics from Bridwell Prison, Chicago

Year	No.	Decrease	Year	No.	Decrease
1917 Total Inmates	17,748		1917 Average No.	2,090	
1921 Commitments	9,653	8,095	1921 of Inmates	1,302	788
1917 Adultery and	65		1917 Assault with	237	
1921 Fornication	24	41	1921 Deadly Weapon	162	75
1917 Assault and	73		1917 Breach of	10,467	
1921 Battery	47	26	1921 Peace	5,490	4,977
1917 Larceny	2,046		1917 Wife and child	661	
1921	1,568	478	1921 Abandonment	1	660

(Figures taken from "Hold Fast, America," by Gifford Gordon, in *The Christian Work*, Oct. 14, 1922.)

One of the most complete studies on the effect of Prohibition in a single State, is that published by Miss Cora Frances Stoddard under the title "Wet and Dry Years in a Decade of Massachusetts' Public Records." The pamphlet is published by the American Issue Publishing Company, Westerville, Ohio, and is too long to be quoted at length. It shows, however, by a compilation extending over ten years and comparing seven license years with two prohibition years, that there has been a marked fall in arrests for drunkenness in Massachusetts; in commitments to the Suffolk County House of Correction; in arrests for all causes in Boston; in the prison population of the State; in arrests of youthful offenders and children admitted to the Boston Division of Child Welfare; in neglected children brought before the lower courts; in commitments for non-support; in cases in which intemperance was a factor dealt with by the Boston Welfare Society; in deaths from alcoholism; in motor vehicle accidents per 1000 vehicles registered; in mortality from tuberculosis and pneumonia; in first admissions to Massachusetts Institutions for the Insane; in cases of venereal diseases; in the number of paupers supported or relieved. On the other hand, there was an increase in savings bank accounts and in the daily consumption of milk, an increase representing a net gain of about eight quarts a month to each family of four persons, or a glass of milk a day for one person in each family.

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